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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,614	08/03/1999	JONATHAN HERMAN FISCHER	24-16-2	3269

7590 06/17/2003

DOCKET ADMINISTRATOR RM 3C-512  
LUCENT TECHNOLOGIES INCORPORATED  
600 MOUNTAIN AVENUE  
P O BOX 636  
MURRAY HILL, NJ 079740636

EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

2

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/366,614

Applicant(s)

FISCHER ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 6 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 7-9, 13-17, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rousse (6,411,680).

Consider claim 1. Rousse teaches a method of powering an electronic circuit (telephone set 5) with a telephone line (1 and 3), comprising detecting a voltage across the telephone line, and applying telephone line power to the electronic circuit based on a characteristic of the detected voltage (col. 2, ln. 43 to col. 3, ln. 3, ln. 25-31; col. 4, ln. 34-65).

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Consider claim 2. Rousse further teaches applying telephone line power to the electronic circuit when the detected voltage exceeds a selected voltage level (the switch 7 is closed only when there is a safe voltage level that lays between the over-voltage and under-voltage thresholds; col. 3, ln. 25-31; col. 4, ln. 55-62).

Consider claim 3. Rousse further teaches that the voltage across the telephone line is detected while the telephone line is in an on-hook state (the under-voltage and over-voltage are sensed before the controller 15 allows the switch 7 to be closed; col. 4, ln. 55-62).

Consider claim 4. Rousse further inherently teaches the voltage across the telephone line is detected while limiting the DC current drain from the telephone line to <1.0 microamps (the under-voltage and over-voltage are sensed before the controller 15 allows the switch 7 to be closed; col. 4, ln. 55-62. In other words, the under-voltage and over-voltage are sensed while the telephone line is in an on-hook state. In this state, there is no current (0 ampere) drained from the telephone line).

Consider claim 5. Rousse further teaches the switch (7) is closed only when there is a safe voltage level that lays between the over-voltage and under-voltage thresholds (col. 3, ln. 25-31; col. 4, ln. 55-62). This safe voltage level is the voltage level required for proper operation of a digital logic circuit in the electronic circuit (e.g., digital telephone set would inherently have some logic circuits).

Consider claims 7-9. Line (27, fig. 2) is the set/reset line (col. 4, ln. 64 to col. 5, ln. 22).

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Consider claim 13. Rousse teaches an apparatus for powering an electronic circuit with telephone line power, comprising a voltage detector (9 or 11); reset signal (set/reset signal on line 27, fig. 2); and a switch (7) for applying telephone line power to the electronic circuit (5).

Consider claim 14. Rousse further teaches the reset signal is generated when measured voltage exceeds a selected voltage (the switch 7 is closed only when there is a safe voltage level that lays between the over-voltage and under-voltage thresholds; col. 3, ln. 25-31; col. 4, ln. 55-62).

Consider claim 15. Rousse further inherently teaches the voltage across the telephone line is detected while limiting the DC current drain from the telephone line to <1.0 microamps (the under-voltage and over-voltage are sensed before the controller 15 allows the switch 7 to be closed; col. 4, ln. 55-62. In other words, the under-voltage and over-voltage are sensed while the telephone line is in an on-hook state. In this state, there is no current (0 ampere) drained from the telephone line).

Consider claim 16. Rousse teaches an apparatus for powering an electronic circuit with telephone line power, comprising a voltage detector (9 or 11); reset signal (set/reset signal on line 27, fig. 2); and a switch (7) for applying telephone line power to the electronic circuit (5).

Consider claim 17. Rousse further teaches the reset signal is generated when measured voltage exceeds a selected voltage (the switch 7 is closed only when there is a safe voltage level that lays between the over-voltage and under-voltage thresholds; col. 3, ln. 25-31; col. 4, ln. 55-62).

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Consider claim 20. Rouse further teaches a high impedance resistor connected in series with the electronic circuit for limiting the voltage applied across the electronic circuit (col. 4, ln. 42-45).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse (6,411,680) in view of Colvin et al (5,471,524).

Consider claims 10, 19. Rouse does not teach storing up charge from the telephone line prior to applying telephone line power to the electronic circuit.

Colvin teaches storing up charge from the telephone line prior to applying telephone line power to the electronic circuit (capacitors C5-C6, fig. 3, col. 9, ln. 64 to col. 10, ln. 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Colvin into the teachings of Rouse, so that to ensure that the microprocessor (19) operates properly.

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Consider claim 11. Colvin further teaches dissipating the stored up charge across the electronic circuit when the detected voltage exceeds a selected voltage level (fig. 3, col. 9, ln. 64 to col. 10, ln. 25).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al (5,783,999) in view of Rousse (6,411,680).

Consider claim 12. Price teaches a method of powering a data access arrangement (38) with a telephone line (32, 34), the data access arrangement having a CMOS electronic circuit (the DAA inherently has electronic circuit), the method comprising applying a reset signal to the data access arrangement (col. 9, ln. 56-63), detecting the voltage across the telephone line while the telephone line is in an on-hook state (col. 8, ln. 40 to col. 9, ln. 63), powering the DAA with telephone line power when the detected voltage falls below the maximum thresholds (approximately 48 volts and 120 mA; col. 8, ln. 40 to col. 9, ln. 63), and turning-off the reset signal to the electronic circuit after powering the DAA (col. 8, ln. 17-30; col. 9, ln. 56-63).

Price does not clearly teach powering the DAA with telephone line power when the detected voltage exceeds a voltage necessary to properly operate the CMOS electronic device.

Rousse teaches powering the telephone equipment with telephone line power when the detected voltage exceeds a voltage necessary to properly operate the CMOS electronic device (the switch 7 is closed only when there is a safe voltage level that lays between the over-voltage and under-voltage thresholds; col. 3, ln. 25-31; col. 4, ln. 55-62).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Rouse into the teachings of Price in order to provide an improved under-voltage and over-voltage detections that guard electronic circuit against power surge and under-voltage conditions.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse (6,411,680) in view of Horvath (6,204,706).

Consider claim 21. Rouse does not clearly teach a time delay element for delaying of the reset signal.

Horvath teaches a time delay element for delaying of the reset signal (col. 3, ln. 56 to col. 4, ln. 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Horvath into the teachings of Rouse in order to provide an improved under-voltage and over-voltage detections that guard electronic circuit against power surge and under-voltage conditions.

***Allowable Subject Matter***

7. Claims 6, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

**Any response to this action should be mailed to:**

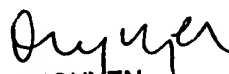
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Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314** (Group's Fax numbers)  
**(703) 746-7251** (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

May 29, 2003

  
DUC NGUYEN  
PRIMARY EXAMINER